

Applicant: Bicek et al.
Application Serial No.: 09/974,653
Filing Date: October 10, 2001
Docket No.: 760-49
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REMARKS

Claims 17-24 and 39 are in the application. Claims 1-16 and 25-28 have been withdrawn in view of a previous election.

In the Office Action, the Examiner maintained, from the previous Office Action, the rejection of claims 17-24 under 35 U.S.C. §102(e) as being anticipated by Davila et al. (U.S. Patent No. 6,296,661). In response to applicants' previous arguments relating to Davila et al., the Examiner stated that "the examiner disagrees with applicant's remarks that there is no disclosure in Davila et al. to rely on any pressing force generated by the inner and outer stents to hold the graft in place." It is respectfully submitted that this is not applicants' previous argument. Applicants respectfully submit that Davila et al. has no disclosure or suggestion for the pressing force generated by the inner and outer stents solely holding the graft in place.

Davila et al. is directed to a self-expanding stent-graft which includes a self-expanding outer stent 60, a tubular flexible porous graft member 70, and a self-expanding inner stent 80. The graft member 70 has front and back ends 70 and 74, respectively, cuffed and bonded to the outer stent 60. (column 5, lines 5-10). The inner stent 80 is disposed within the graft 70 so as to abut it. (column 5, lines 18-20). Claim 17 is directed to a covered stent including a main stent, at least one support stent, and "a sheath interposed between said body and said at least one support stent with no portions of said main stent being in contact with said at least one support stent." Further, claim 17 states "said at least one support stent generates a relative pressing force with said main stent to hold said sheath in place, said pressing force solely acting to hold said sheath in place." As indicated above, the graft in Davila et al. is bonded to the outer stent.

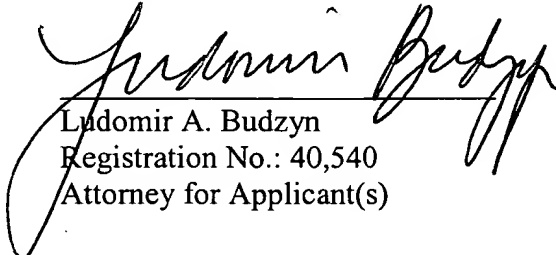
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Accordingly, the graft is held in place by bonding, and any additional pressing forces that may exist.

With the subject invention of claim 17, a sheath may be selected and placed onto the main stent at a point-of-use and fixed thereto by one or more support stents. The Davila et al. device calls for bonding the graft to a stent which is not readily performable at a point-of-use. For example, as pointed out at column 9, lines 6-8, the graft 70 is bonded to the stent under heat and pressure. The subject invention of claim 17 contemplates allowing a practitioner to simply apply a sheath and mechanically fix it without bonding at a point-of-use. There is no disclosure or suggestion in Davila et al. to avoid bonding the graft to the outer stent. Accordingly, there is no disclosure or suggestion in Davila et al. to solely rely on any pressing force generated by the inner and outer stents to hold the graft in place. It is respectfully submitted that claim 17, along with depending claims 18-24 and 39, are patentable over Davila et al.

Favorable action is earnestly solicited. If there are any questions or if additional information is required, the Examiner is respectfully requested to contact applicants' attorney at the number listed below.

Respectfully submitted,


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